



# The Gazette of India.

PUBLISHED BY AUTHORITY.

DELHI, SATURDAY, FEBRUARY 4, 1922.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced in the Council of State and Legislative Assembly, Reports of Select Committees presented to the Council and Assembly and Bills published under Rule 18 of the Indian Legislative Rules.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 28th January, 1922 :—

No. 3 OF 1922.

*A Bill to provide a penalty for spreading disaffection among the police and for kindred offences.*

WHEREAS it is expedient to penalize the spreading of disaffection among the police and other kindred offences; It is hereby enacted as follows :—

1. (1) This Act may be called the Police Short title and Act, 192 . extent.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

2. In this Act, the expression “member of a Definition. police-force” means any person appointed, enrolled or registered for the performance of police duties under any enactment specified in the Schedule.

3. Whoever causes or attempts to cause, or does any act calculated to cause, disaffection amongst the members of a police-force, or induces or attempts to induce, or does any act calculated to induce, any member of a police-force to withhold his services or to commit breaches of discipline, shall be punished with imprisonment which may extend to two years, or with fine, which may extend to one thousand rupees, or with both.

## THE SCHEDULE.

(See Section 2.)

Year.	No.	Short title.
		<i>Acts of the Governor General in Council.</i>
1856	XX	The Bengal Chankidari Act, 1856.
1859	XXIV	The Madras District Police Act, 1859.
1861	V	The Police Act, 1861.
1872	IV	The Punjab Laws Act, 1872.
1873	XVI	The Agra Village and Road Police Act, 1873.
1887	XV	The Burma Military Police Act, 1887.
1888	III	The Police Act, 1888.
1892	V	The Bengal Military Police Act, 1892.
		<i>Madras Act.</i>
1888	III	The Madras City Police Act, 1888.

Year.	No.	Short title.	Year.	No.	Short title.
		<i>Bombay Acts.</i>			<i>Bihar and Orissa Act.</i>
1867	VIII	The Bombay Village Police Act, 1867.	1914	I	The Chota Nagpur Rural Police Act, 1914.
1881	IV	The Sind Village Officers' Act, 1881.			<i>Central Provinces Act.</i>
1890	IV	The Bombay District Police Act, 1890.	1903	XVI	The Central Provinces Municipal Act, 1903.
1902	IV	The City of Bombay Police Act, 1902.			<i>Assam Act.</i>
		<i>Bengal Acts.</i>			<i>Assam Act.</i>
1868	II	The Calcutta Suburban Police Act, 1868.	1920	I	The Assam Rifles Act, 1920.
"	IV	The Calcutta Police Act, 1868.			<i>Regulations by the Governor General in Council.</i>
1870	VI	The Village Chauthdari Act, 1870.			<i>Regulations by the Governor General in Council.</i>
1890	III	The Calcutta Port Act, 1890.	1883	I	The Sylhet and Cachar Rural Police Regulation, 1883.
1920	II	The Eastern Frontier Rifles (Bengal Battalion) Act, 1920.	1888	II	The Andamans and Nicobar Islands Military Police Regulation, 1888.
		<i>Punjab Acts.</i>	1910	IV	The Sonthal Parganas Rural Police Regulation, 1910.
1911	III	The Punjab Municipalities Act, 1911.			<i>Bengal Regulations.</i>
1918	VIII	The Punjab Village and Small-towns Act, 1918.	1806	XIII	The Cuttack Police Regulation, 1806.
		<i>Burma Acts.</i>	1817	XX	The Bengal Police Regulation, 1817.
1899	IV	The Rangoon Police Act, 1899.			
1907	III	The Burma Towns Act, 1907.			
"	VI	The Burma Village Act, 1907.			

## STATEMENT OF OBJECTS AND REASONS.

In view of the attempts that have been made and are being made a) by means of threats, intimidation and otherwise to induce members of the Police-Force to refrain from doing their duty, and (b) to spread disaffection among them, the Government of India have for sometime had under consideration the question of penalizing such attempts. Neither the Indian Penal Code nor the Indian Police Act, 1861, contains provisions to meet this evil. A prosecution could doubtless in certain cases be instituted under section 29 of the Indian Police Act, 1861, read with the abetment sections of the Indian Penal Code, but section 29 of the Police Act was designed to meet ordinary breaches of discipline, and would not cover many dangerous forms of tampering with the police. Moreover, the maximum punishment permissible under that section, viz, three months' rigorous imprisonment is manifestly inadequate for serious offences of this nature. The Government of India are accordingly of opinion that the authorities should be given additional means of dealing with this form of crime, and it is proposed, therefore, to enact the attached Bill, which has been framed on the lines of section 3 of the English Police Act of 1919 (9 & 10 Geo V, Ch. 46).

DELHI:

The 20th January, 1922

W. H. VINCENT.

H. MONCRIEFF SMITH,  
Secretary to the Government of India,

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 28th January, 1922 :—

## No. 4 OF 1922.

*A Bill further to amend the Provincial Small Cause Courts Act, 1887, and the Code of Civil Procedure, 1908, in order to provide for the award of costs by way of damages in respect of false or vexatious claims or defences in civil suits or proceedings.*

IX of 1887. WHEREAS it is expedient further to amend the Provincial Small Cause Courts Act, 1887, and the Code of Civil Procedure, 1908; It is hereby enacted as follows :—

1. (1) This Act may be called the Civil Procedure (Amendment) Act, 1922.

(2) The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, direct that this Act shall come into force throughout the Province or in any part thereof on such date as may be specified in the notification.

of 1908. 2. In Part I of the Code of Civil Procedure, 1908 (hereinafter referred to as the said Code), after section 35 the following section shall be inserted, namely :—

" 35A. (1) If in any suit, appeal or other proceeding any party objects to the claim or defence on the ground that the claim or defence or any part of it is, as against the objector, false or vexatious to the knowledge of the party by whom it has been put forward, and if thereafter, as against the objector, such claim or defence is disallowed, abandoned or withdrawn in whole or in part, the Court, if the objection has been taken at the earliest opportunity and if it is satisfied of the justice thereof, may, after recording in writing its reasons for holding such claim or defence to be false or vexatious, make an order for the payment to the objector, by the party by whom such claim or defence has been put forward, of costs by way of damages.

(2) No Court other than a High Court shall make any such order for the payment of an amount exceeding one thousand rupees or exceeding the limits of its pecuniary jurisdiction, whichever amount is less :

X of 1887. Provided that a Court exercising the jurisdiction of a Court of Small Causes under the Provincial Small Cause Courts Act, 1887, and not being a Court constituted under that Act, may make such

an order for the payment of any amount not exceeding five hundred rupees, or, if the presiding officer is a Munsif, two hundred and fifty rupees :

Provided, further, that the High Court may make rules limiting the amount which any Court or class of Courts is empowered to award as costs under this section.

(3) No person against whom an order has been made under this section shall, by reason thereof, be exempted from any criminal liability in respect of any claim or defence made by him."

3. (1) In sub-section (1) of section 104 of the Amendment of section 104, Act V of 1908, said Code,—

(i) after clause (f) the following clause shall be inserted, namely :—

" (ff) an order under section 35A." ; and

(ii) after clause (i) the following proviso shall be inserted, namely :—

" Provided that no appeal shall lie under clause (ff) against any order save on the ground that no order, or an order for the payment of a less amount, ought to have been made."

(2) To sub-section (2) of the same section the following Explanation shall be added, namely :—

" Explanation — An order under section 35A, made in respect of any claim or defence put forward for the first time in the appeal is not an order passed in appeal within the meaning of this sub-section."

4. To rule 33 of Order XLI of the First Amendment of Order Schedule to the said Code, XLI, Schedule I, Act the following proviso V of 1908. shall be added, namely :—

" Provided that the Appellate Court shall not make any order under section 35A, in pursuance of any objection on which the Court, from whose decree the appeal is preferred, has omitted or refused to make such order"

5. In section 24 of the Provincial Small Cause Courts Act, 1887, for the IX of 1887. words and figures "section 58E, clause (29) of the Code of Civil Procedure", the

words and figures "section 104 of the Code of Civil Procedure, 1908," shall be substituted; and V of 1908. after the words "District Court," the following words shall be added, namely :—

" on any ground on which an appeal from such order would lie under that section"

## STATEMENT OF OBJECTS AND REASONS.

This Bill is intended to take the place of the Bill which was introduced in the Legislative Assembly on the 1st March, 1921, and was withdrawn with the leave of the Assembly on the 25th January, 1922. The object of that Bill was to provide more effective means of meeting the great evil arising from the institution of fraudulent and dishonest suits by empowering Courts to award compensatory costs in fraudulent suits. The Bill was circulated for the purpose of eliciting opinions, and along with the opinions received, was referred to a Committee consisting of Members of the Council of State and the Legislative Assembly appointed by the Governor General in Council. The Committee was of the opinion that the summary procedure proposed by the Bill was likely to prove far more of a deterrent than the fear of a prosecution for perjury in the remote future. They considered, however, that the scope of the Bill should be extended in certain respects.

The detailed recommendations of the Committee were as follows:—

*" I.—Limitation of amount to be awarded.*

"It was agreed that the amount to be awarded should not exceed the pecuniary limits of the jurisdiction of the Court or Rs. 1,000, whichever is less, with the following special provisions regarding Courts exercising Small Cause Court powers, namely, a maximum of Rs. 250 for a Munsiff and Rs. 500 for a subordinate Judge; a provision to be added that these maxima are to be subject to rules made by the High Court so as to enable High Courts to limit the amount awardable by certain classes of Courts, *e.g.*, the lower grade Courts of Munsiffs with limited jurisdictions as in the Punjab

*" II.—Appeals.*

"In connection with this, it was incidentally decided that provision should be made for reasons to be recorded in writing whenever an order is made awarding compensatory costs. It was also agreed that there should be an appeal in every case, except that (a) there should be no appeal against an order refusing damages or against the absence of any order, and (b) there should be no appeal by way of cross appeal or otherwise asking for an increase of the amount awarded. It was agreed that in no case should there be a second appeal.

*" III.—False defences.*

"Though the Committee was not entirely unanimous on the point, it was agreed that provision should be made also for the award of damages to the plaintiff where a false defence was set up by the defendant.

*" IV.—Execution proceedings.*

"It was pointed out that the evil existed to a larger extent in execution proceedings than in original suits, and it was unanimously decided that the provisions of the Bill should apply to false claims put forward in support of execution proceedings as well as to false objections.

*" V.—Vexatious suits.*

"The opinion was generally held that the provisions of the Bill should apply to suits, etc., which are both false and vexatious. The matter was left to be examined by the draftsmen.

*" VI.—Operation of the Bill.*

"It was agreed that the Bill should only come into operation in such areas as might be notified by the Local Government, with the sanction of the Governor General in Council. It was suggested that the power to extend the operation might cover the whole or any specified portion of the Bill."

The present Bill has been prepared in order to carry out the recommendations of the Committee.

DELHI:

The 26th January, 1922.

W. H. VINCENT.

H. MONCRIEFF SMITH,  
Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 31st January, 1922 :—

## No. 5 OF 1922.

*A Bill further to amend the Land Acquisition Act, 1894.*

I of 1894. WHEREAS it is expedient further to amend the Land Acquisition Act, 1894; It is hereby enacted as follows :—

1. This Act may be called the Land Acquisition (Amendment) Act, 1922.  
Short title.

I of 1894. 2. In sub-section (3) of section 6 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act), after the words "The said declaration," the words "except as herein-after provided" shall be inserted.

3. To section 7 of the said Act, the following Amendment of section 7, Act I of 1894. proviso shall be added, namely :—

"Provided that no officer who is responsible for the selection of the land to be acquired, or who has made the preliminary inquiry under section 4, shall be appointed Collector under this section."

4. In section 9 of the said Act,—  
Amendment of section 9, Act I of 1894.

(a) in sub-section (1), after the words "and that," the words "objection, if any, to such taking possession of the land and" shall be inserted;

(b) in sub-section (2), after the words "the nature of their respective interests in the land," the words "the reasons for their objection, if any, to its acquisition" shall be inserted; and in the same sub-section after the words "for such interests," the words "as they claim in the land" shall be inserted.

5. For section 11 of the said Act, the following Substitution of new section shall be substituted, section for section 11, Act I of 1894. namely :—

"11. (1) On the day so fixed, or on any other day to which the inquiry has been adjourned, the Collector shall first proceed to inquire into the objection, if any, which any person interested has stated pursuant to a notice given under section 9 to the proposed acquisition of the land, and shall pass orders either allowing or rejecting the objection. The acquisition of the

land shall be objected to only on the ground that the purpose for which the land is required is not a public purpose within the meaning of the Act, or that the proposed acquisition is malicious or vexatious :

Provided that, in the case of big projects such as railways, irrigation canals or roads, the proposed acquisition shall be presumed to be proper until the contrary is proved.

(2) If either the officer applying for the acquisition of the land or the person objecting to it is dissatisfied with the order of the Collector in their behalf, he may, by written application made to the Collector within a month of the Collector's order being communicated to him, require that the matter be referred by the Collector for the determination of the Court. The provisions of sections 15 to 22 shall, as far as may be, apply to inquiries by the Court under this clause. The decision of the Court shall be final.

(3) If the Court upholds the objection to the proposed acquisition of the land, no further action shall be taken in the matter. If no objection to the acquisition has been duly made, or if an objection has been made, but finally set aside by a competent authority, the Collector shall proceed to inquire into the objections, if any, which any person has stated pursuant to a notice issued under section 9 to the measurements made under section 8 and into the value of the land and into the respective interests of the persons claiming the compensation, and shall make an award under his hand of—

- (i) the true area of the land;
- (ii) the compensation which in his opinion should be allowed for the land; and
- (iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information whether or not they have respectively appeared before him.

(4) Nothing contained in clauses (1) to (3) of this section shall affect the provisions of section 17."

6. In sub-section (3) of section 35 of the said Act, after the words "apportionment thereof," the words "or in case any person interested objects to the acquisition" shall be inserted.

7. To sub-section (1) of section 36 of the said Act, the following proviso shall be added, namely :—

“Provided that the propriety of the proposed acquisition itself is not in dispute.”

8. In section 47 of the said Act, the following words shall be omitted, namely :—

“he shall, if a Magistrate, enforce the surrender of the land to himself, and, if not a Magistrate.”

#### STATEMENT OF OBJECTS AND REASONS.

THE Land Acquisition Act, 1894, as it stands, makes no provisions against unlawful or vexatious acquisition of land. This is felt as a real grievance, and the Bill is intended to remove this grievance. As subsidiary provisions the Bill lays down that the officer who is responsible for the selection of the land to be acquired or for the preliminary inquiry, under section 4 of the Act, shall not be appointed as Collector, and that the Collector shall not enforce his own orders. It is desirable that the acquiring officer should enter on his *quasi* judicial duties with an open mind.

J. RAMAYYA.

*The 21st July, 1921.*

H. MONCRIEFF SMITH,  
*Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 31st January, 1922 :—

## No. 6 OF 1922.

*A Bill further to amend the Code of Criminal Procedure, 1898.*

WHEREAS it is expedient to give a legal status to persons practising as lawyers in Criminal Courts, known as mukhtars, and further to amend the Code of Criminal Procedure, 1898, for that purpose; It is hereby enacted as follows :—

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1922.

Short title and extent.

(2) It shall extend to the whole of British India.

2. In clause (r) of sub-section (1) of section 4 of the Code of Criminal Procedure, 1898, after the words "an attorney of a High Court," the words "and a mukhtar" shall be inserted, and the words "mukhtar or" shall be omitted.

## STATEMENT OF OBJECTS AND REASONS.

Persons practising in Criminal Courts known as mukhtars practise under a licence from the High Courts after duly passing an examination held under the auspices of the High Courts for that purpose and are recognised practitioners in Criminal Courts. For all practical purposes, they are treated as recognised members of the profession. Under the present law the mukhtars have received permission from the Courts to act for their clients. In fact, this permission is usually and generally granted, but in some rare cases have been withheld. Above all, the members of the profession have a sentimental grievance inasmuch as they have been placed in the same category as ordinary persons without any training or licence. The grievance has caused much discontent, and it is desirable that it should be removed. This will not affect the dignity or status of any class of lawyers, or in any way affect the administration of justice. As the mukhtars have to pass a fairly good test and have to renew their licence every year, which depends upon their professional good conduct, it is unnecessary to retain the disability under which they at present suffer.

Clause 2 removes the disabilities referred to above.

*The 23rd August 1921.*

ABUL KASEM.

H. MONCRIEFF SMITH,  
Secretary to the Government of India,





## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Legislative Assembly on the 1st February 1922 :—

## No. 7 OF 1922.

*A Bill further to amend the Indian Lunacy Act, 1912.*

WHEREAS it is expedient further to amend the Indian Lunacy Act, 1912 ; It is hereby enacted as follows :—

1. This Act may be called the Indian Lunacy (Amendment) Act, 1922.  
Short title.

2. In section 3 of the Indian Lunacy Act, 1912, (hereinafter referred to as the said Act),—  
Amendment of section 3, Act IV of 1912.

(a) in clause (1), after the word 'asylum' where it occurs for the second time, the words 'or mental hospital' shall be inserted ; and

(b) to clause (2) the following shall be added, namely :—

"together with any other charges specified in this behalf by the Governor General in Council, in exercise of any power conferred upon him by this Act."

3. To section 84 of the said Act, the following words shall be added, namely :—  
Amendment of section 84, Act IV of 1912.

"if it is satisfied that provision has been or will be made for the curative treatment therein of persons suffering from mental diseases."

4 After section 84 of the said Act, the following section shall be inserted, namely :—  
Insertion of new section 84A in Act IV of 1912.

"84A. If in any licensed asylum no provision for curative treatment has been made, or the Local Government considers that the provision made is insufficient, the Local Government may require the person in charge of the asylum to take such measures for making or supplementing such provision as it may deem

necessary, and, if such person does not comply with the requisition within a reasonable time, the Local Government may revoke the licence."

5 After section 89 of the said Act, the following sections shall be inserted, namely :—  
Insertion of new sections 89A and 89B in Act IV of 1912.

"89A. The Governor General in Council may, by general or special order, prescribe the amount payable on account of the cost of maintenance of lunatics detained in any asylum for the cost of whose maintenance any Local Government is liable, and the proportions in which such amount shall be payable respectively by the Local Governments so liable. Any such amount may include charges on account of the upkeep of the asylum and of the capital cost of the establishment of the asylum.

89B. (1). When under the provisions of this Act the cost of the maintenance of a lunatic is payable by the Government, then such cost shall be payable—

(a) in the case of a lunatic not domiciled in British India, by the Local Government of the province in which the reception order or the order under section 25, as the case may be, was made ; and

(b) in the case of a lunatic domiciled in British India, by the Local Government of the province in which the lunatic has last resided for a period of five years before the reception order or the order under section 25, as the case may be, was made ; or, if the lunatic has not been resident in any one province for such period, by the Local Government of the province in which such order was made.

(2) If any question arises as to the incidence of the cost of maintenance of any lunatic under sub-section (1), the question shall be referred to the Governor General in Council, and his decision thereon shall be final."

## STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to amend the Indian Lunacy Act, 1912, so as—

- (1) to permit of the designation of lunatic asylums as mental hospitals ; and
- (2) to provide for the recovery of charges for lunatics maintained in an asylum of one province who belong to another province.

2. Modern opinion is in favour of asylums being regarded as hospitals for the treatment of mental cases, and not as homes in which lunatics can be interned and restrained, and in the present condition of asylums in India, it is, therefore, considered desirable that the curative treatment which should be available in these institutions should be emphasised. It is, however, necessary to retain the word "asylum" in the Act, because of its use in other legislation ; but by making the definition cover not only an institution designated as an "asylum," but also one designated as a "mental hospital", it will be possible for Local Governments to cause their institutions to be styled either by the one name or by the other, or by a combination of the two. The proposed amendments in clauses 3 and 4 of the Bill are consequential to this proposal.

3. Under the Reform Scheme the maintenance in an asylum of one province of a lunatic belonging to another province should be regarded as a service rendered by the former province to the latter, for which payment should be made under Devolution Rule 14 (e).

It is probable that great increases in the number of lunatics so maintained in asylums of provinces to which they do not belong will follow from the substitution of large central asylums for small district asylums, and it is considered that upon the adoption of this policy any substantial improvement in the condition of asylums in India must largely depend. The Bill, therefore, proposes that, so far as lunatics domiciled in India are concerned, in any case in which the cost of maintenance will fall upon a Local Government, the Local Government to meet the cost shall be the Local Government of the province in which the lunatic has last resided for a period of five years. If there is no such Local Government then, the cost would fall upon the Local Government of the province from which the lunatic was sent to the asylum. In order to cover the case of central asylums established to meet the needs of more than one province, it is further provided that the cost of maintenance may include charges on account of the capital cost of the establishment of the asylum.

DELHI,  
The 28th January, 1922. }

W. H. VINCENT.

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H. MONCRIEFF SMITH,  
*Secretary to the Government of India.*